IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

Bail Appl..No. 4953 of 2007()

CRLMP.1761/2007 of DISTRICT COURT, ALAPPUZHA
[CRIME NO.90/07 OF ARTHUNKAL POLICE STATION]

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PETITIONER/ACCUSED

SMT.N.B.SUVARNA, NEDUMVELI HOUSE,
THYCKAL P.O., CHERTHALA, ALAPPUZHA DIST.

BY ADV. SRI.P.N.PURUSHOTHAMA KAIMAL
SMT.V.SHYLAJA

RESPONDENT/COMPLAINANT/STATE:

STATE OF KERALA, REPRESENTED BY
DIRECTOR OF PUBLIC PROSECUTION, HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No. 4953 of 2007

Dated this the 14th day of August 2007

O R D E R

Application for anticipatory bail. The petitioner, a woman, is an employee of the Postal department. The crux of the allegations against her is that as such employee, she committed falsification of accounts to siphon out amounts from accounts maintained by the customers with the Postal department. The allegations are raised inter alia under Sections 465, 477A and 409 I.P.C. The investigation is in progress. The petitioner apprehends imminent arrest. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The entire amount which she is alleged to have misappropriated and misused has already been remitted to the account. In these circumstances, a lenient view may be taken and anticipatory bail may be granted to the petitioner, submits the learned counsel for the petitioner.

2. The learned Public Prosecutor opposes the application. He submits that there are no circumstances

justifying the invocation of the equitable discretion under Section 438 Cr.P.C.

3. Having considered all the relevant inputs, I am persuaded to agree that there is merit in the opposition by the learned Public Prosecutor. I am unable to find any features in this case which would justify the invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This, I am satisfied, is a fit case where the petitioner must resort to the ordinary and normal course of appearing before the investigating officer or the learned Magistrate having jurisdiction and then seek regular bail in the ordinary course.

4. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007